

PREET BHARARA
United States Attorney for the
Southern District of New York
By: ANDREW E. KRAUSE
SARAH S. NORMAND
Assistant United States Attorneys
86 Chambers Street, Third Floor
New York, New York 10007
Telephone: (212) 637-2769/2709
Facsimile: (212) 637-2786/2730
E-mail: andrew.krause@usdoj.gov
sarah.normand@usdoj.gov

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
DAVID GANEK,

Plaintiff,

: 15 Civ. 1446 (WHP)

v.

DAVID LEIBOWITZ; REED BRODSKY; DAVID
MAKOL; MATT KOMAR; JAMES HINKLE;
HOLLY J. TRASK; DAVID CHAVES; PATRICK
CARROLL; RACHEL ROJAS; DIEGO
RODRIGUEZ; MARC P. BERGER;
CHRISTOPHER L. GARCIA; RICHARD B.
ZABEL; BOYD M. JOHNSON III; and
PREETINDER S. BHARARA,

Defendants.

----- x
: DECLARATION OF
: ANDREW E. KRAUSE

Andrew E. Krause, pursuant to the provisions of 28 U.S.C. § 1746, declares, under
penalty of perjury, as follows:

1. I am an Assistant United States Attorney in the office of Daniel L. Stein, Acting
United States Attorney for the Southern District of New York, attorney for defendants David
Leibowitz, Reed Brodsky, David Makol, Matt Komar, James Hinkle, Holly J. Trask, David
Chaves, Patrick Carroll, Rachel Rojas, Diego Rodriguez, Marc P. Berger, Christopher L. Garcia,

Richard B. Zabel, Boyd M. Johnson III, and Preetinder S. Bharara (collectively, the “Defendants”). I am one of the attorneys assigned to this matter, and am familiar with the proceedings herein. I make this declaration on information and belief in support of the Memorandum of Law in Support of Defendants’ Motion to Dismiss the Complaint.

2. Attached hereto as Exhibit A is a true and correct copy of the publicly-filed version of the November 21, 2010, warrant authorizing the search of Level Global Investors, as well as the application for the warrant, which includes the affidavit in support of the warrant application and a request for sealing.

3. Attached hereto as Exhibit B are true and correct copies of excerpts of the transcript of the trial of *United States of America v. Todd Newman and Anthony Chiasson*, 12 Cr. 121 (RJS).

4. Attached hereto as Exhibit C is a true and correct copy of a *Wall Street Journal* article titled “U.S. in Vast Insider Trading Probe,” which is referenced in paragraph 80 of the complaint.

5. Attached hereto as Exhibit D is a true and correct copy of a *Wall Street Journal* article titled “It’s On: The Insider Trading Raids Have Started,” which is referenced in paragraph 95 of the complaint.

6. Attached hereto as Exhibit E is a true and correct copy of a *Wall Street Journal* article titled “November Raid: After WSJ Story, Feds Step Into High Gear,” which is referenced in paragraph 95 of the complaint.

7. Attached hereto as Exhibit F is a true and correct copy of a *Wall Street Journal* article titled “Hedge Funds Raided in Probe; FBI Agents Seize Documents in 3 Cities as Insider-Trading Investigation Widens,” which is referenced in paragraph 95 of the complaint.

8. Attached hereto as Exhibit G is a true and correct copy of a *New York Post* article titled “Targeted Hedge Funds are Toast,” which is referenced in paragraph 96 of the complaint.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
August 14, 2015

/s/ Andrew E. Krause
Andrew E. Krause